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Of Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

ELIXIR THERAPEUTICS, LLC, a
Wyoming limited liability company,

Plaintiff, Counterclaim-Defendant,

vs.

**GLOBAL INNOVATIVE CONCEPTS,
LLC**, an Alabama limited liability company,

Defendant, Counterclaim-Plaintiff.

Case No. 3:20-cv-2055-YY

**DECLARATION OF MARTIN
HUDLER**

I, Martin Hudler, declare and state as follows:

1. I make this declaration based on my own personal knowledge. I am over 18 years of age and competent to testify to the matters stated herein.

2. On November 25, 2021, my adult son who was believing that he was injured at work about 10 days before Thanksgiving, suffering what he thought was a pulled hamstring muscle, was on the telephone with me and sounding far more ill than just suffering from a pulled hamstring. Being very concerned with how he sounded, coupled with the fact that he lived alone, I stopped everything I was doing and drove over the Cascade pass immediately to check on him. Upon arriving at his apartment, I found him in a very weakened state, with a fever, experiencing

pain throughout his body and fatigue. Further, his heartbeat was irregular, his speech was slurred and he had lost about 10 pounds. Not trusting his care to anyone other than the trusted physicians I knew in Bend, I immediately packed him in the car and drove him to my home in Sunriver. During the drive he felt slightly better, but that's because I gave him pain medication, fluids, and a flexural to relax him. I watched him closely throughout the 3.5 hour drive. Upon arriving to my home his condition appeared slightly better, but that was short lived.

3. Within 30 minutes after arriving to my home, his condition was right back to how I originally found him and getting worse. Henceforth, I called 911 and the paramedics arrived within a few minutes, they assessed him, gave him an IV and drugs to slow down his heartbeat, which were marginally successful. He was experiencing a very irregular heartbeat of 195 beats per minute, he was lethargic and unable to really focus on anything. Unsuccessful at slowing his heart rate, the decision was made immediately to rush him to St. Charles Hospital in Bend, so he was loaded onto an ambulance and taken to St. Charles Hospital where he remains today.

4. My son is currently in the intensive care / progressive care unit and is being treated for what has been determined as an MSSA infection of his blood (septicemia). Further, unbeknownst to everyone, including my son, he was also in diabetic shock at the same time he was suffering from the septicemia infection. None of us knew about his diabetes, including my son, so it too went undetected until after his arrival at St. Charles Hospital. He is officially a type II diabetic. Lastly, my son required blood plasma and whole blood after it was determined that he was also suffering from internal bleeding, all of which was brought on by the MSSA septicemia infection. I have been at my son's side since he was admitted to St. Charles. I have been keeping a bedside vigil while keeping Mr. Markley and Mr. Henderson up to date on my son's condition. I have been sending both of them pictures of my son and his condition, which they can share with

the Court, in camera, if necessary. My son has had to undergo multiple medical procedures, MRI scans, blood tests, X-rays, and even two life-saving surgeries to remove to very aggressive abscesses and locate and repair the cause of his internal bleeding. I have been told that his situation was very grave upon arriving at St. Charles, and my son would be very lucky if he survived the night. The emergency room physicians and his current physicians have told me on numerous occasions, had I ignored my parental instincts on Thanksgiving, my son would have not survived the next 12 to 24 hours. For the past few weeks his condition has been “touch and go” and we are hopeful that he’ll be turning the corner, but he is still a sick young man who will require 24 care home health care once he’s discharged. After discharge, he will be on intravenous antibiotics for 30 to 60 days, which will be administered every 4 hours to ensure his long term survival after he’s released, which at this time is undeterminable.

5. I am for obvious reasons unable to adequately focus my thoughts on the litigation, compile and produce documents or prepare for a deposition. I’m sleeping less than 5 hours a day and I respectfully request a continuance of the discovery and other deadlines, so that I can focus on my son’s survival and health at this time, which is paramount to anything happening in my life. Alex does not have a mother; I have been the sole parent to my children for 30 years. I am exhausted but unwavering in spending each day and evening at the hospital assisting with the care of my son. I make this request in good faith, and without purposes for delay other than the reasons stated herein.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA AND THE STATE OF OREGON THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: December 8, 2021

/s/ Martin L. Hudler

Martin L. Hudler